

HB 456 -- ABORTION

SPONSOR: Swan

This bill creates the "Women's Health and Clinic Safety Act" and changes the laws relating to abortion.

The bill prohibits a person from knowingly donating or making an anatomical gift of the fetal organs or tissue resulting from an abortion to any person or entity for medical, scientific, experimental, therapeutic, or any other use. Nothing in the bill must prohibit the utilization of fetal organs or tissue resulting from an abortion for medical or scientific purposes to determine the cause or causes of any anomaly, illness, death, or genetic condition of the fetus, the paternity of the fetus, or for law enforcement purposes. Any person who offers any inducement to a man or woman to conceive or abort a child for the use of fetal organs or tissue, or any person who receives valuable consideration for fetal organs or tissue resulting from an abortion, must be guilty of a class C felony and subject to a fine of up to twice the amount of valuable consideration received (Section 188.036, RSMo).

Currently, a representative sample of tissue removed at the time of abortion is sent to a pathologist for examination. The bill requires that all fetal organs and tissue removed at the time of abortion be sent to the pathologist for gross and histopathological examination. All fetal organs and tissue reports issued by the pathologist shall contain certain information as specified in the bill.

Each specimen shall be given a unique identification number to allow the specimen to be tracked. Each facility that handles the specimen, including the abortion facility, the pathology lab, and the final disposition site, must send the Department of Health and Human Services a report documenting the date the specimen was collected, transported, received, and disposed.

The department must reconcile each notice of abortion with its corresponding fetal organs and tissue report. If the department does not receive either a notice or a report, the department must conduct an investigation and, if a deficiency is discovered, must perform an unscheduled inspection of the facility to ensure such deficiency is remedied. If the deficiency is not remedied, the department must suspend the abortion facility's or hospital's license for at least one year, subject to applicable licensure procedures.

The bill requires the department, beginning January 1, 2018, to make an annual report to the General Assembly. The report must

include certain information as specified under the bill. The report must not disclose any personal patient information prohibited by law (Section 188.047).

Currently, an attending physician must submit an abortion report to the department. The bill requires additional information to be included in the report, as specified in the bill (Section 188.052).

The bill requires each hospital, ambulatory surgical center, pathology lab, medical research entity, and disposal facility involved in handling fetal organs or tissue from an elective abortion to establish and implement a written policy to protect employees who disclose information concerning alleged violations of applicable federal or state laws or administrative rules concerning the handling of fetal organs or tissue. The policy must include a time frame for completion of investigations related to complaints, a method for notifying the complainant of the disposition of the investigation, and other specified provisions. The policy must be submitted to the department to verify implementation. The department must have access to all information disclosed, collected, and maintained under this provision and complainants must be notified of their right to notify the department of any information concerning alleged violations relating to abortions or handling of fetal organs or tissue. The act specifies the proper disclosure procedure internally and to the department. Beginning December 1, 2017, each hospital, ambulatory surgical center, pathology lab, medical research entity, and disposal facility involved in handling fetal organs or tissue from an elective abortion must post a notice containing the disclosure policy (Section 188.160).

The bill requires the department to conduct annual, unannounced, on-site inspections and investigations of abortion facilities. These inspections must address certain areas of interest, as specified in the bill, and the inspection and investigation reports must be available to the public, provided that information not subject to disclosure under the law be redacted (Section 197.230).

This bill is the same as SB 67 (2017).